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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,672	04/27/2001	Jerker Bergenek	003300-777	9036
7590	04/06/2004		EXAMINER	
Benton S. Duffett, Jr. BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			CHAWAN, SHEELA C	
			ART UNIT	PAPER NUMBER
			2625	7
			DATE MAILED: 04/06/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/842,672	BERGENEK ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Sheela C Chawan	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 April 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Preliminary Amendment***

1. Preliminary amendment filed on 4/27/01 have been entered.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

3. The drawings are objected to because of draftperson's remarks (see attached PTO-948 paper number 7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 U.S.C. § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 –14, 16 - 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Russo et al. (US. 6535622 B1).

As to claims 1 and 12, Russo discloses a method of preventing false acceptance in a system for checking fingerprints which comprises a sensor( fig 1, item 14, column 4, lines 7- 67) characterised by the step of detecting a latent fingerprint ( fig 2, 3 and 5) on the sensor (fig 6, column 6, line 16 to column 7, lines 1-38).

As to claims 2 and 13, Russo discloses a method wherein the step of detecting a latent fingerprint comprises the steps of recording (fig 6, item 14 is a sensor which records the latent fingerprint) a fingerprint by means of the sensor and ( fig 1, 14), on the basis of the location ( recording a portion of the image or the entire image is stored in the memory 22 based on centrally located portion of the image , column 6, lines 40-53) of the recorded fingerprint on the sensor (column 6, lines 40-53), evaluating whether the recorded fingerprint originates from a latent fingerprint on the sensor or from a finger placed on the sensor (fig 6, column 6, line 16 to column 7, lines 1-38).

As to claims 3 and 14, Russo discloses a method wherein the evaluation step comprises comparing the location of the recorded fingerprint on the sensor with the location of a previously recorded fingerprint on the sensor (fig 6, column 6, line 16 to column 7, lines 1-38).

As to claims 4 and 17, Russo discloses a method further comprising the step of, if the location of the recorded fingerprint on the sensor and the location of the previously recorded fingerprint essentially correspond ( column 6, lines 45- 67, column 7, lines 1-

38), considering the recorded fingerprint as originating from a latent fingerprint (fig 6, column 6, line 16 to column 7, lines 1-38).

As to claims 5 and 18, Russo discloses a method wherein the previously recorded fingerprint is the immediately preceding fingerprint which was considered as originating from a finger placed on the sensor ( column 7, lines 13-38).

As to claims 6 and 19, Russo discloses a method wherein the previously recorded fingerprint is the immediately preceding fingerprint which was accepted ( column 2, lines 30- 53, column 3, lines 52- 67 ).

As to claims 7 and 20, Russo discloses a method further comprising the step of storing information about the location of the recorded fingerprint on the sensor if the recorded fingerprint is not considered as originating from a latent fingerprint ( column 6, lines 3- 67, column 7, lines 1- 12) .

As to claim 8, Russo discloses a method wherein the step of comparing the location of the recorded fingerprint on the sensor with the location of a previously recorded fingerprint comprises comparing the location on the sensor of at least one feature of the recorded fingerprint with the location on the sensor of the corresponding feature of the previously recorded fingerprint ( fig 6, column 6, line 16 to column 7, lines 1-38).

As to claim 9, Russo discloses a method wherein the step of comparing the location of the recorded fingerprint on the sensor with the location of a previously recorded fingerprint comprises comparing the location on the sensor of a partial area ( partial area is considered to be a portion of image, see column 6, lines 45- 67) of the

recorded fingerprint with the location of a corresponding partial area of the previously recorded fingerprint (column 6, lines 45- 67).

As to claim 10, Russo discloses a method further comprising the step of matching at least one partial area of a reference fingerprint with the recorded fingerprint to obtain at least one matching partial area of the recorded fingerprint ( partial area is considered to be a portion of image, see column 6, lines 45- 67), wherein the step of comparing the location of the recorded fingerprint on the sensor with the location of a previously recorded fingerprint comprises comparing the location on the sensor of the matching partial area with the location of the corresponding partial area of the previously recorded fingerprint ( fig 6, item 68 and 70, column 7, lines 13- 38).

As to claim 11, Russo discloses a method wherein the comparison of the location of the recorded fingerprint on the sensor with the location of a previously recorded fingerprint is carried out only in the event that a matching between a reference fingerprint and the recorded fingerprint reveals that the recorded fingerprint originates from an authorised person (column 3, lines 52-67).

As to claim 16, Russo discloses a storage medium for digital information ( fig 1, item 22 , memory where information is stored ), which medium is readable for a computer system ( fig 1, item 12, a computer systems ) the storage medium containing a computer program for preventing false acceptance of fingerprints, characterised in that said program implements ( column 1, lines 10-13, column 3, lines 10- 67).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103<sup>®</sup> and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al. (US. 6535622 B1), as applied to claims 1 -14, 16 – 20 above and further in view of Tomko et al.(US.5,712,912).

Regarding claim 15, Russo discloses a method to personal verification systems, which utilize sensors to obtain biometric information from a user. Russo is silent about specifics details of sensor has an integral coordinate system.

Tomko discloses a method for securely storing a personal identification number (pin) or cryptographic key. The system comprises of:

a system wherein the sensor has an integral coordinate system (column 9, lines 2- 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Russo to include a sensor having an integral coordinate system. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Russo by the teaching of Tomko in order to define the coordinates of the peaks with their relative position is to make the algorithm invariant to a possible rotation of a finger and also to form the unique vector (as suggested by Tomko at column 9, lines 17- 20).

*Other prior art cited*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Russo (US.6,546,122 B1) discloses method for combining fingerprint templates representing various sensed areas of a fingerprint to derive one fingerprint template representing the fingerprint.

Fishbine et al.(US. 5,230,025) discloses method and apparatus for capturing skin print images.

Reardon (US.5,078,426) discloses fingerprint recording device .

Asano et al.(US.4,794,260) discloses method for detecting fingerprint using a laser and an apparatus therefor.

Hayes et al.(US.5,313,265) discloses non-contact non-destructive latent image scanner.

Blonder (US.4,414,684) discloses method and apparatus for performing a comparison of given patterns, in particular fingerprints.

***Contact Information***

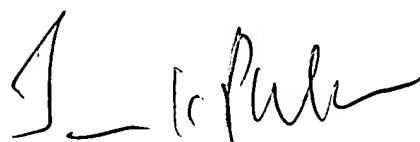
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is 703-305-4876. The examiner can normally be reached on Monday - Thursday 6 - 7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scc

Sheela Chawan  
Patent Examiner  
Group Art Unit 2625  
March 29, 2004



Jayanti K. Patel  
Primary Examiner